

TESTIMONY OF THE LEGAL ACTION CENTER

Assembly Ways and Means and the
Senate Finance Committees
Joint Public Hearing on Public Protection
Executive Budget FY 2023-2024

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Presented by

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I am Matthew Thompson, Senior Policy Associate for the Legal Action Center.

I appreciate the opportunity to address you today.

In New York State, we work closely with the coalition of Alternative to Incarceration (ATI), Reentry and related programs. These programs enable many thousands of men and women to be appropriately supervised and served in the community. These services divert individuals from jails and prisons to less expensive and more effective community-based supervision and services. They also assist individuals who are released from incarceration reintegrate with their families and communities by lowering barriers to employment, housing, and healthcare—critical services that significantly improve chances of successful reentry, while reducing the likelihood of re-incarceration.

We are asking that New York increase funding for ATI and reentry services by \$16.45 million in the coming year, with \$16 million for the expansion of ATI and reentry services and \$450,000 to support the creation of a plan for bringing ATI and reentry services to scale in every part of the state. These essential services can begin to facilitate more successful community reintegration, avoid incarceration, and assist in addressing the underlying elements – structural, interpersonal, and environmental - that contributed to their criminal legal system contact. Increasing access to these programs is essential to reducing the prison population in New York by providing meaningful alternatives and substantive resources, thereby contributing to the State's efforts to address mass incarceration and the racial discriminatory impacts of the criminal legal system. Furthermore, additional sentencing reform that reduces the time individuals spend in prison, also saves money that can be reinvested into the communities most impacted. It is essential that there be programming to help prevent the continued cycling in and out of jails and prisons of those with substance use and mental health disorders.

These funds could be utilized to provide technical assistance provided by established programs to build the capacity of other programs and/or in other regions of the State. Additionally, these funds could also help leverage dollars from other sources of funding than criminal justice; transitional and permanent housing, substance use disorder and mental health treatment, and higher education are a few examples of systems that should be providing targeted funding streams to serve people still or recently affected by the criminal legal system.

By building on New York's decades of investment in ATI and reentry services and the expertise that the State's funding has enabled providers to develop, *New York now has the opportunity to become the first state in the nation to bring alternative to incarceration (ATI) and reentry services to scale statewide so that all New Yorkers can access these needed services.*

We strongly recommend:

- Expanding ATI and reentry services in the many parts of the state that are underserved, including most of upstate New York.
- Expand ATI and reentry services in New York City to fill gaps to support the closure of Rikers Island.

Additional Public Safety Proposals

We were happy to see Governor Hochul and her administration propose a budget that will significantly expand alternatives to incarceration and reentry services throughout the state, doubling and tripling budget outlays respectively, and includes strong proposals to improve New Yorkers' access to substance use disorder (SUD) treatment and mental health care. We should no longer rely on our law enforcement agencies, courts and jails to function as care providers, but rather we urge the legislature to support these critical budget outlays as a mechanism to reinvest in our communities to build a robust system of care.

We believe these programs must be informed by our health systems, social service agencies, community-based organizations, practitioners in the field, and formerly incarcerated individuals and their loved ones and should provide the housing, social services, medical and mental health care that will allow our communities to thrive.

We also support the following legislative proposals and ask that you include them in your one house budget bills:

- **Enact Clean Slate** ([S1553D/A6399C](#)) Clean Slate NY is a racial justice, jobs, and housing bill that seeks to end the perpetual punishment of a conviction record which removes barriers to these opportunities for 2.3 million New Yorkers with conviction records. We ask that the full Clean Slate be enacted.
- **Enact Elder Parole for people 55 years or older** ([S15A/A8855](#)) relates to parole eligibility for certain inmates age fifty-five or older who have already served 15 years and who would not otherwise be eligible for parole.
- **Enact the Fair and Timely Parole Bill**— ([S7514/A4231A](#)) relates to findings of the state board of parole necessary for discretionary release of incarcerated persons on parole by releasing a person into the community unless he or she is a threat to the community.
- **The Eliminate Mandatory Minimums Act** ([S7871/A9166](#)) eliminates mandatory minimum sentences in New York State.
- **The Second Look Act** ([S7872/ A8894](#)) will allow judges to review and reconsider excessive sentences.
- **The Earned Time Act** ([S7873A/A8462](#)) strengthens and expands “good time” and “merit time” laws to encourage personal transformation in prison and reunite families.
- **Protect In-Person Visits**: ([S2841A/A4250](#)) enshrines the right to in-person visits at State and local correctional facilities, ensuring at least weekend or evening visiting, and barring replacement of visiting with video/teleconferencing.
- **Connecting Families New York** ([S3512B/A3096B](#)) provides free telephone calls for people incarcerated in New York prisons and jails.
- **Child Sensitive Arrest** ([S4053/A6283](#)) would develop guidelines that safeguard children when a parent is arrested and offer related training to police departments throughout New York State.
- **The Youth Justice and Opportunities Act** ([S5749A/A3536](#)) protects the futures of young people under the age of 26, enhances community well-being, and provides emerging adults the opportunity to move forward in their lives without the barrier of a criminal conviction.
- **The Right to Remain Silent** ([S2800C/A5891](#)) codifies a young person's right to counsel before a police interrogation, and ensures that a child under age 18 may only be interrogated by law

enforcement after they have consulted with counsel, thereby ensuring any waiver of rights under Miranda is genuinely knowing, voluntary, and intelligent.

- **Correctional Facility Visits** ([S9401/A10678](#)) expands and codifies CANY's ability to provide effective oversight of DOCCS facilities by authorizing visits to be performed at any time and without advance notice, and requiring reports to be published on DOCCS websites.

Further, we ask that the Legislature support the Center for Employment Opportunities' request for an additional \$6,000,000 to pilot a direct cash assistance program for individuals released from incarceration who are entering reintegration services. Evidence-based cash assistance programs have been shown to serve a crucial role in helping to stabilize returning individuals and their families. These funds will provide immediate financial support and create long-term engagements between returning citizens and service providers.

And finally, we ask that the Legislature support an increase in historical funding for the Correctional Association of New York (CANY) from \$127,000 to \$250,000. Funding for CANY will be well utilized, especially considering their expanded charter to monitor health conditions in the New York State correctional system. CANY is the only independent organization in New York with authority under state law to monitor prisons and report findings to the legislature and the broader public. This critical access allows people in prisons to participate in and help shape the public debate on these issues.